

# 2023020021

3:23-cv-05287-JCC-MLP

DJ

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Clerk, U.S. District Court

700 Stewart Street, Suite 2310 Seattle WA 98101-1271

United States District Court of Washington

#

3-30-2023

DeShonne Avery Johnson

F10.01-1 complaint in an  
action to enjoin

VS

Pierce County Judicial  
Systemenforcement of prison  
regulation restricting  
attorney client conferences

Defense

§ alleging civil rights  
violations

1 Subject matter Jurisdiction is conferred upon  
this court by the provision of  
28 U.S.C. § 1343 § 1331



APR 05 2023

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

2 Here provided is an affidavit of  
allegation § the case law to support  
the reasons § Report of this violation

DT

2

(Affidavit)

It is said That the omnibus hearing is a procedural right & not a constitutional one

but because the omnibus hearing effect multiple constitutional liberties citing omnibus rule 4.5

(i) ensure the standards regarding provision of counsel have been complied with

and that standard is (effective counsel)  
6 amendment & 14 amendment

as well as omnibus 4.5

(iv) as certain, wheather there are any (procedural) or (constitutional) issues which should be considered

and if procedural issues effect constitutional issues they must be analyzed by constitutional terms, citing

Krnett v Kennedy 416 us 314

The view misconceives the origin of the Right to procedural due process (the Right is conferred not by Legislative grace but by constitutional guarantee) while the legislature may elect not to confer a property (or liberty interest) once conferred with appropriate procedural safeguards cases have consistently recognized the adequacy of statutory procedures for deprivation of a statutory created property (or liberty interest) must be analyzed by constitutional terms

not avoid terms or the interpretation of procedural safeguards established by the court but by constitutional terms, simply because the county feels that they have implemented safeguards that do not diminish constitutional law citing *Logan v. Zimmerman Brush Co.* 453

HN3 because minimum procedural requirements are a matter of federal law they are not diminished by the fact that the state may have specified its own procedural that it may deem adequate for determining the preconditions to oversee official action

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DJ  
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as well as Rose v village of peninsula 839  
F supp 517

HN7

one of the rights in a substantive component  
of the fourteenth amendment guarantees of due  
process of law is freedom from physical  
Restraint RENO v flores 123 L ed 2d 111

and because were being restrained to attend  
the omnibus hearing that the very language demand  
presence of defense to voice on record a  
opportunity to contest or object to the waiver  
in procedural due process or constitutional Rights  
the judicial system in pierce county is truly  
citing omnibus Rule 4.5

(F) Record A verbatim record (electronic mechanical  
or otherwise) shall be made of all proceedings  
at the hearing

the right to fair trial, the right to  
effective counsel, the right to speedy trial  
the substantive value of procedural



DJ

5

due process, the constitutional Right the  
omnibus hearing by very definition demands  
defendants presence

omnibus - covering all important points

important - having great meaning or lasting effects

hearing - an opportunity to be heard, on appearance  
before a Judge

In *Hollen v Hardy* 169 US 366 389

The necessity of due notice & an opportunity  
of being heard is described as among the  
immutable principle of Justice which inhere  
in the very idea of free government which  
(no member of the union may disregard) and  
Mr Justice Field in an earlier case *Galpin v* page 16  
wall 350 368-369 said that the rule that  
on one shall be personally bound until he has  
& it meant that he (must be cited to appear  
& afforded an opportunity to be heard)  
Judgment

# 2023020021

PJ

6

and because motions are heard & submitted at an omnibus hearing & those decisions are binding in a trial citing

### 9.06 Washington Criminal Law

The rule expressly states that failure to raise or give notice of an issue of which the party concerned has knowledge may constitute waiver of such error or issue

and these include procedural issue & constitutional ones as cited above in omnibus Rule that effect our right to a fair trial in the substantive component to perinsula 839 F supp 517

HN7 acknowledging the existence of a fundamental freedom from physical restraint in a substantive due process inquiry. This freedom is central to the 14 amendments intent to prevent government from abusing its power or employing it as an instrument of oppression *Paridson v Cannon* 474 as 344

#2023026121

NJ  
7

without such citation & opportunity wants all the attributes of a judicial determination it is judicial usurpation & oppression, & can never be upheld where justice is justly administered

in closing whether it could educated ability to comprehend law or desire to exercise liberty right, fact is the constitutional covers these & the absence of defense in a omnibus setting that plainly address procedural rights to due process in which substantive fairness is taken for lack of better words judicial murder citing Holden v Hardy 169 vs 366 384

let us suppose the extreme case of a prisoner charged with a capital offense who is deaf & dumb, illiterate & feeble minded unable to employ counsel with the whole power of the state arrayed against him (prosecuted by counsel) for (\*effective counsel\*) for his defense tried, convicted & sentenced



County inmate # 202302

to death such a result, which if earned into execution would be little short of judicial murder it cannot be doubted would be a gross violation of the guarantee of due process of law. We venture to think that no appellate court, state or Federal, would hesitate so to decide.

There is no good reason for the violation of procedural due process which is federal law & constitutional rights, even in the prime of covid to violate the right of simple presence & right to be heard when procedural safeguards such as

the acts of Pierce County violated the eighth amendment, fourteenth amendment due process clause, equal protection clause & sixth amendment right to effective counsel. The defendant are seeking 10 million in damages from beginning of covid till now.

Washington Reopened June 30 2021

Mask Mandates lifted Feb 18 2022



Inmate Name DeShanne Johnson  
 Booking Number #2023026029  
 Pierce County Sheriff's Department  
 910 Tacoma Ave S  
 TACOMA WA 98402-2104

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 WESTERN DISTRICT OF WASHINGTON  
 BY \_\_\_\_\_ DEPUTY


TACOMA WA 983  
 OLYMPIA WA  
 3 APR 2023 PM 2 L

United district court  
 700 Stewart st. suite 2310  
 Seattle wa 98101

98101-444265



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